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EXAMINER

HARVEY, DAVID E

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/528,933 | Applicant(s) KELLY ET AL. | |
| | Examiner DAVID E. HARVEY | Art Unit 2621 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-9 is/are rejected.
- 7) ☒ Claim(s) 2 is is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

A) Lines 1-2 of claim 6 have been amended to recite a *record carrier* that is “in the form of a computer-readable medium”. There appears to be no antecedent basis in the specification as originally filed for the added “computer-readable medium” recitation.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 6-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

A) Lines 1-2 of claim 6 have been amended to recite a record carrier that is “in the form of a computer-readable medium”. The recited “computer-readable medium” terminology is not supported by the specification as originally filed and appears to explicitly broaden the scope of the specification, as originally filed, beyond that which was originally described.

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 6 and 7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

A) With respect to the “body” of claim 6 (and 7), the following positions are taken:

1) Contrary to the position taken by applicant in 15-21 on page 7 of the response filed 9/26/2008, the examiner contends that the recitation set forth in the body of claim 6 simply describe the what the data recorded on the medium represents and, as such, constitute non-functional descriptive material. The following is again noted:

a) That “descriptive material” recited in the body of the claim 6 does not fall within the definition of a “data structure.” Specifically, the descriptive material does not define “a physical or logical relationship among the recited data elements designed to support specific data manipulation functions”, as is required of a data structure. As such, it is maintained that the “descriptive material” recited in the body of claim 6 is in fact nonfunctional descriptive material; e.g., the recited material merely describes what the recorded information signal represents.

Nonfunctional descriptive material, as recited in claim 6, constitutes non-statutory subject matter regardless of whether or not it is recorded on a recording medium.

B) Claim 7 is directed to non-statutory subject matter for the same reason as explained above for claim 6.

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Korean Patent Document #2001/004940 to Jo.

Jo disclosed a system for fabricating a record carrier carrying a digital information signal comprised of a first main screen video signal and a second smaller size PIP image signal thereby meeting the limitations of claim 6.

Specifically, Jo described a “system” for fabricating any one of various types of “record carriers” (e.g., @ 20-24), which included:

1) A video signal generator (@ 10) for generating digital data representing a main moving picture video signal;

2) A video signal generator (@ 11) for generating data representing an advertising moving picture video signal;

3) Mixing circuitry for mixing the data representing the advertising moving picture video signal with the data representing the main moving picture video signal;

wherein the advertising moving picture video signal is added to the main moving picture video signal as a reduced-size PIP advertising moving picture signal at a size, shape, and position set by the controller (@ 13); and

wherein the resulting combined moving picture signal is recorded (@ 15) onto a respective recording medium to cause the “fabrication” of a respective one of the “record carriers” (@ 20-24).

With respect to applicant's arguments filed 9/26/2008:

The examiner maintains that the arguments set forth in lines 9-20 on page 9 of the response address issues that are beyond the scope of the claims. Specifically, there is nothing in claim 6 which: required the first and second video signals to be un-mixed signals; or requires the images of the first video signal to be complete/ or un-obscured by the images of the second video signal.

8. With respect to the arguments submitted 9/26/2008 concerning the applied prior art of Rosengren et al.:

On pages 11-12 of the response filed 9/26/2008, applicant argues:

"It should be apparent from the above that ***while Rosengren et al. discloses that the second video signal may be an auxiliary video signal absent P- and B-pictures, and having reduced spatial and temporal resolution, there is no disclosure that the size of an image formed by the auxiliary video signal is reduced.*** In fact, Rosengren et al. particularly states, with regard to the embodiment of Fig. 6 'In this embodiment, PIP-decoder 63 also takes the form of the circuit shown in FIG. 1, already discussed.' ***Hence, the auxiliary video signal still must need to have its size reduced by the PIP decoder 63***
In the subject invention, the second video signal as retrieved from the ***digital information signal already has a second size smaller than a first size of the first video signal***". (emphasis added).

The examiner disagrees with this position for the following reasons:

A) First, as already addressed in paragraph 2 of the Office action mailed 7/1/2008, video signals and video data, per se, have no image size. The size of the image is determined when it is displayed, and thus, by the display device itself. To the point, a given TV signal displayed in normal manner on a large screen TV will result in images of larger "size" than the **same TV signal** displayed in normal manner on smaller screen TV. Thus, the issue as to whether a given TV signal comprises "large" or "small" images and, more particularly, the issue as to whether the size of an image is changed is, for all intents and purposes, is confusing if not meaningless when discussed with respect to non-displayed video signals and video data.

B) The examiner again points out that Figure 6 of Rosengren represents two separate and distinct embodiments of a PIP type television receiver circuitry; i.e.

1) In the ***first embodiment***, video signal V2 of Figure 6 represents a full-size, full-resolution MPEG video signal that is process by the circuitry of Figure 1 to reduced its spatial and temporal resolution by extracting DC coefficients from the I-Frames thereof (note lines 19-22 of column 6); and

2) A ***second embodiment*** in which said signal V2 of Figure 6 represents already comprises the spatially and temporally reduced video signal "Va" generated, and transmitted thereto, via the circuitry of Figure 5 (note lines 19-22 of column 6).

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In this **second embodiment**, the PIP decoder (@ 63 of Figure 6) is simplified and does not scale the image as alleged by applicant (e.g., as noted in lines 28-32). Rather, the memory (@ 12) of Figure 1 changes the time based in which the pixels of the reduced size image is read from the memory (note lines 45-48 of column 3) and, most likely, increases the temporal/frame frequency of the video signal too.

Applicant's arguments filed 9/26/2008, as cited above, appear to be confusing the two separate and distinct embodiments described in Rosengren et al; i.e., particularly the operation of the PIP decoder of Figure 1 in the context of the respective embodiments.

C) The examiner maintains that the video signal "Va" described by Rosengren, the one comprised of the only of the DC coefficients of I-Frames, inherently *represents* video images of reduced size (i.e., images of 1/16 scale as shown in Figure 7B). This is because, as explicitly described in Rosengren et al, each of the DC coefficients of video signal "Va" is the average value of a respective 8x8 pixel block of a full resolution video image and therefor the DC coefficients of an I-frame image represent a video images that is down-sampled by a factor of 1/8 in both the horizontal and vertical directions (e.g., NOTE: lines 40-47 in column 3; lines 56-60 of column 6; and Figure 7B in Rosengren).

That such DC coefficients represent a reduced size images, if not expressly described in Rosengren et al itself (note lines 56-60 of column 6), is expressly discussed and addressed in U.S. Patent #7,471,834 to Sull et al [note lines 44-54 in column 3 thereof].

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9. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by US Patent #6,741,617 to Rosengren et al.:

A) Preface:

While not explicitly stated, the examiner maintains that the ancillary video signal (@ Va) produced by the circuitry of Figure 1 in Rosengren et al comprises/represent a video signal of reduced size images (e.g., 1/16 size). This is evidenced, for example, by the following:

- 1) That the PIP processing block (@ 63) of figure 6 is described, explicitly, as producing a video signal of reduced-size images [note 14-18 of column 5] and is described, explicitly, as taking the for of the circuitry of figure 1 [note lines 19-23 of column 5];
- 2) That each DC coefficient of the signal represent an average of 8x8 original pixels [note lines 43-45 of column 2];
- 3) That the video signal is described as being of reduced spatial and temporal resolution [note lines 30-32 of column 4];
- 4) That the video signal, when displayed, is illustrated as producing reduced size images (e.g., @ 90 of Figure 7B).

B) The showing of Rosengren et al.:

As shown in Figure 6, Rosengren et al describes a digital video receiving device that comprises:

- 1) A **receiving means**, e.g., not shown in the Figure, for receiving for receiving **a digital information signal** comprises of an **MPEG2 transport stream** (@ TS) from the transmitter side of the system and for providing the received information signal to a demultiplexer (@ 60);
- 2) A **first retrieval means** (e.g., @ 60) for receiving and retrieving a first full-size video signal (@ V1) from the digital information signal;
- 3) A **second retrieval means** (e.g., @ 60) for receiving and retrieving a second video signal (@ V2) from the digital information signal wherein the second video signal (@ V2) comprises:
 - a) In a first embodiment, a full size image signal, that converted/scaled at the receiver (@ 63) to a video signal (@ V2') representing reduced size PIP images [e.g., lines 14-23 of column 5]; or

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b) In a *second embodiment*, an ancillary video signal that has already been converted scaled on the transmitter side of the system (e.g., @51 of Figure 5) so as represent the reduced sized PIP images [e.g., lines 23-26 of column 5];

wherein the recitations of claim 6 are met by said second embodiment;

4) ***Signal combination means*** (e.g., @64); and

5) ***A display unit*** (66);

wherein in the second embodiment, scaling of the second video signal is performed on the transmitter side of the system and, therefor, is "***unchanged***" by the receiver.

With respect to applicant's arguments filed 9/26/2008:

See paragraph 8 of this Office action.

10. Claim 3 is rejected under 35 U.S.C. 102(e) as being anticipated by US Patent #6,741,617 to Rosengren et al. for the same reasons that were set forth above for claim 1.

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11. Claim 5 is rejected under 35 U.S.C. 102(e) as being anticipated by US Patent #6,741,617 to Rosengren et al.:

A) Preface:

While not explicitly stated, the examiner maintains that the ancillary video signal (@ Va) produced by the circuitry of Figure 1 in Rosengren et al comprises/represent a video signal of reduced size images (e.g., 1/16 size). This is evidenced, for example, by the following:

- 1) That the PIP processing block (@ 63) of figure 6 is described, explicitly, as producing a video signal of reduced-size images [note 14-18 of column 5] and is described, explicitly, as taking the for of the circuitry of figure 1 [note lines 19-23 of column 5];
- 2) That each DC coefficient of the signal represent an average of 8x8 original pixels [note lines 43-45 of column 2];
- 3) That the video signal is described as being of reduced spatial and temporal resolution [note lines 30-32 of column 4];
- 4) That the video signal, when displayed, is illustrated as producing reduced size images (e.g., @ 90 of Figure 7B).

B) The showing of Resengren et al.:

As shown in Figure 6, Rosengren et al describes a digital video receiving device that comprises:

- 1) A ***first receiving means*** (e.g., @ 60) for receiving a ***digital information signal*** comprises of an ***MPEG2 transport stream*** (@ TS) from the transmitter side of the system and for ***receiving*** and retrieving a first full-size video signal (@ V1) from the digital information signal. It is noted that the ***first receiving means*** (e.g., @ 60) also necessarily receives the "***control signal***" that is necessary to control the demultiplexer (@ 60) to properly demultiplex the received MPEG2 signal into the illustrated A1, V1, and V2 components;
- 3) A ***second receiving means*** (e.g., @ 60) for receiving and retrieving a second video signal (@ V2) from the digital information signal wherein the second video signal (@ V2) ***in dependence on said control signal***, comprises:
 - a) In a first embodiment, a full size image signal, that converted/scaled at the receiver (@ 63) to a video signal (@ V2') representing reduced size PIP images [e.g., lines 14-23 of column 5]; or

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b) In a second embodiment, an ancillary video signal that has already been converted scaled on the transmitter side of the system (e.g., @51 of Figure 5) so as represent the reduced sized PIP images [e.g., lines 23-26 of column 5];

wherein the recitations of claim 6 are met by this second embodiment;

4) **Signal combination means** (e.g., @64); and

5) **A display unit** (66);

wherein in the second embodiment, scaling of the second video signal is performed on the transmitter side of the system and, therefor, is "**unchanged**" by the receiver.

With respect to applicant's arguments filed 9/26/2008:

See paragraph 8 of this Office action.

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12. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Document #2002/0047915 to Rosengren et al. (i.e., a related “prior publication” of US Patent #6,741,617 to Rosengren et al. applied above).

A) Preface:

While not explicitly stated, the examiner maintains that the ancillary video signal (@ Va) produced by the circuitry of Figure 1 in Rosengren et al comprises/represent a video signal of reduced size images (e.g., 1/16 size). This is evidenced, for example, by the following:

- 1) That the PIP processing block (@ 63) of figure 6 is described, explicitly, as producing a video signal of reduced-size images and is described, explicitly, as taking the for of the circuitry of figure 1;
- 2) That each DC coefficient of the signal represents an average of 8x8 original pixels;
- 3) That the video signal is described as being of reduced spatial and temporal resolution;
- 4) That the video signal, when displayed, is illustrated as producing reduced size images.

[Note: paragraphs 0021, 0030, and 0031; and Figure 7B]

B) The showing of Rosengren et al.:

As shown in Figure 6, Rosengren et al describes a digital video receiving device that comprises:

- 1) A **receiving means**, e.g., not shown in the Figure, for receiving for receiving **a digital information signal** comprises of an **MPEG2 transport stream** (@ TS) from the transmitter side of the system and for providing the received information signal to a demultiplexer (@ 60);
- 2) A **first retrieval means** (e.g., @ 60) for receiving and retrieving a first full-size video signal (@ V1) from the digital information signal;
- 3) A **second retrieval means** (e.g., @ 60) for receiving and retrieving a second video signal (@ V2) from the digital information signal wherein the second video signal (@ V2) comprises:
 - a) In a first embodiment, a full size image signal, that converted/scaled at the receiver (@ 63) to a video signal (@ V2') representing reduced size PIP images [e.g., paragraph 0030]; or

b) In a second embodiment, an ancillary video signal that has already been converted scaled on the transmitter side of the system (e.g., @51 of Figure 5) so as represent the reduced sized PIP images [e.g., paragraph 0031];

wherein the recitations of claim 6 are met by this second embodiment;

4) **Signal combination means** (e.g., @64); and

5) **A display unit** (66);

wherein in the second embodiment, scaling of the second video signal is performed on the transmitter side of the system and, therefor, is "**unchanged**" by the receiver.

With respect to applicant's arguments filed 9/26/2008:

See paragraph 8 of this Office action.

13. Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Document #2002/0047915 to Rosengren et al. for the same reasons that were set forth above for claim 1.

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14. Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Document #2002/0047915 to Rosengren et al.:

A) Preface:

While not explicitly stated, the examiner maintains that the ancillary video signal (@ Va) produced by the circuitry of Figure 1 in Rosengren et al comprises/represent a video signal of reduced size images (e.g., 1/16 size). This is evidenced, for example, by the following:

- 1) That the PIP processing block (@ 63) of figure 6 is described, explicitly, as producing a video signal of reduced-size images and is described, explicitly, as taking the for of the circuitry of figure 1;
- 2) That each DC coefficient of the signal represents an average of 8x8 original pixels;
- 3) That the video signal is described as being of reduced spatial and temporal resolution;
- 4) That the video signal, when displayed, is illustrated as producing reduced size images.

[Note: paragraphs 0021, 0030, and 0031; and Figure 7B]

B) The showing of Resengren et al.:

As shown in Figure 6, Rosengren et al describes a digital video receiving device that comprises:

- 1) A ***first receiving means*** (e.g., @ 60) for receiving a ***digital information signal*** comprises of an ***MPEG2 transport stream*** (@ TS) from the transmitter side of the system and for ***receiving*** and retrieving a first full-size video signal (@ V1) from the digital information signal. It is noted that the ***first receiving means*** (e.g., @ 60) also necessarily receives the "***control signal***" that is necessary to control the demultiplexer (@ 60) to properly demultiplex the received MPEG2 signal into the illustrated A1, V1, and V2 components;
- 3) A ***second receiving means*** (e.g., @ 60) for receiving and retrieving a second video signal (@ V2) from the digital information signal wherein the second video signal (@ V2) ***in dependence on said control signal***, comprises:
 - a) In a first embodiment, a full size image signal, that converted/scaled at the receiver (@ 63) to a video signal (@ V2') representing reduced size PIP images [e.g., paragraph 0030]; or

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b) In a second embodiment, an ancillary video signal that has already been converted scaled on the transmitter side of the system (e.g., @51 of Figure 5) so as represent the reduced sized PIP images [e.g., paragraph 0031];

wherein the recitations of claim 6 are met by this second embodiment;

4) **Signal combination means** (e.g., @64); and

5) **A display unit** (66);

wherein in the second embodiment, scaling of the second video signal is performed on the transmitter side of the system and, therefor, is "**unchanged**" by the receiver.

With respect to applicant's arguments filed 9/26/2008:

See paragraph 8 of this Office action.

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15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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16. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the showing of US Patent #6,741,617 to Rosengren et al.

A) Rosengren et al. describes a system as was set forth above with respect to the rejection of claim 1.

B) Claim 4 differs from the showing of Rosengren et al. only in that claim 4 required the transmission medium connecting the transmitter side of the system to the receiver side of the system to be a recordable record carrier.

C) As is evidenced by the showings of Figures 8A and 8B in Rosengren et al., Rosengren et al. itself evidences the obviousness of having utilized a recordable record carrier (e.g., @ 81) as the transmission medium that coupled the receiver side of the system to the transmitter side. Indeed, the examiner takes Official Notice that it was notoriously well known the video signal transmission art that broadcast and recording type carriers were well known ways of transporting video signals from the transmitting side of the system to the receiving side.

D) The examiner maintained that it would have been obvious to one of ordinary skill in the art to have "modified" the "second embodiment" of the receiver illustrated in figure 6 of Rosengren et al. to receive the MPEG2 transport stream from the transmitter side via a recordable record carrier as claimed. The benefits provided to the receiver side circuitry, i.e., reduced complexity, are advantageously imparted to the receiver side circuitry, and regardless of the form of transmission medium used.

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17. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the showing of US Patent Document #2002/0047915 to Rosengren et al.

A) Rosengren et al. describes a system as was set forth above with respect to the rejection of claim 1.

B) Claim 4 differs from the showing of Rosengren et al. only in that claim 5 required the transmission medium connecting the transmitter side of the system to the receiver side of the system to be a recordable record carrier.

C) As is evidenced by the showings of Figures 8A and 8B in Rosengren et al., Rosengren et al. itself evidences the obviousness of having utilized a recordable record carrier (e.g., @ 81) as the transmission medium that coupled the receiver side of the system to the transmitter side. Indeed, the examiner takes Official Notice that it was notoriously well known the video signal transmission art that broadcast and recording type carriers were well known ways of transporting video signals from the transmitting side of the system to the receiving side.

D) The examiner maintained that it would have been obvious to one of ordinary skill in the art to have "modified" the "second embodiment" of the receiver illustrated in figure 6 of Rosengren et al. to receive the MPEG2 transport stream from the transmitter side via a recordable record carrier as claimed. The benefits provided to the receiver side circuitry, i.e., reduced complexity, are advantageously imparted to the receiver side circuitry, and regardless of the form of transmission medium used.

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18. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the showing of US Patent #6,741,617 to Rosengren et al

A) Preface:

While not explicitly stated, the examiner maintains that the ancillary video signal (@ Va) produced by the circuitry of Figure 1 in Rosengren et al comprises/represent a video signal of reduced size images (e.g., 1/16 size). This is evidenced, for example, by the following:

- 1) That the PIP processing block (@ 63) of figure 6 is described, explicitly, as producing a video signal of reduced-size images [note 14-18 of column 5] and is described, explicitly, as taking the for of the circuitry of figure 1 [note lines 19-23 of column 5];
- 2) That each DC coefficient of the signal represent an average of 8x8 original pixels [note lines 43-45 of column 2];
- 3) That the video signal is described as being of reduced spatial and temporal resolution [note lines 30-32 of column 4];
- 4) That the video signal, when displayed, is illustrated as producing reduced size images (e.g., @ 90 of Figure 7B).

B) The showing of Rosengren et al.:

As shown in Figure 5, Rosengren et al describes an apparatus for providing a digital information signal (@ TS2) comprising:

- 1) An **input means** (@50) for receiving a transport stream including:
 - a) A plurality of "other elementary streams" (e.g., @ E1, E2, E3) [note lines 50-53 of column 4]; and
 - b) A "second video signal" (e.g., Vm);
- 2) An **combining means** (@53) for combining said "other elementary streams (e.g., @ E1, E2, E3) and said "second video signal" (e.g., Vm) into the digital information signal (@ TS2);
- 3) An **output means** (not shown in the figures) for transmitting the digital information signal (@TS2) to the receiver circuitry of Figure 6 [i.e. the signal must be transmitted to the receiver side]; and
- 4) Video processing means (@ 51) for processing the "second video signal" to a processed second video signal (@ Va) representing a sequence of video images of reduced image size,

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wherein said processed second video signal is combined by the combining means.

C) Differences:

Claim 8 differs from the showing of Rosengren et al only in that Rosengren et al does not described at least one of the "other elementary streams" (e.g., @ E1, E2, E3) as representing a full-sized, full-resolution "first video signal".

D) Obviousness:

The examiner takes Official Notice that it was notoriously well known in the art for the "elementary streams" (ES) of an MPEG transport stream (TS) to have comprises streams pertaining to a plurality of full-sized, full-resolution video signals (i.e., to a plurality of video programs).

Given such a conventional state-of-the-art, the examiner maintains that it would have been obvious to one of ordinary skill in the art for at least one of the "other elementary streams" (e.g., @ E1, E2, E3 in Figure 5 of Rosengren et al) to have represented a full-sized, full-resolution video signal (i.e., another video program); i.e., given that it was known and desirable to have provided TV receivers with the ability to select a desired one of a plurality of transmitted video programs for display.

With respect to applicant's arguments filed 9/26/2008 (to the extent that they apply to the instant rejection):

See paragraph 8 of this Office action.

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19. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Document #2002/0047915 to Rosengren et al. (i.e., a related “prior publication” of US Patent #6,741,617 to Rosengren et al. applied above).

A) Preface:

While not explicitly stated, the examiner maintains that the ancillary video signal (@ Va) produced by the circuitry of Figure 1 in Rosengren et al comprises/represent a video signal of reduced size images (e.g., 1/16 size). This is evidenced, for example, by the following:

- 1) That the PIP processing block (@ 63) of figure 6 is described, explicitly, as producing a video signal of reduced-size images and is described, explicitly, as taking the for of the circuitry of figure 1;
- 2) That each DC coefficient of the signal represents an average of 8x8 original pixels;
- 3) That the video signal is described as being of reduced spatial and temporal resolution;
- 4) That the video signal, when displayed, is illustrated as producing reduced size images.

[Note: paragraphs 0021, 0030, and 0031; and Figure 7B]

B) The showing of Rosengren et al.:

As shown in Figure 5, Rosengren et al describes an apparatus for providing a digital information signal (@ TS2) comprising:

- 1) An **input means** (@50) for receiving a transport stream including:
 - a) A plurality of “other elementary streams” (e.g., @ E1, E2, E3); and
 - b) A “second video signal” (e.g., Vm);
- 2) An **combining means** (@53) for combining said “other elementary streams (e.g., @ E1, E2, E3) and said “second video signal” (e.g., Vm) into the digital information signal (@ TS2);
- 3) An **output means** (not shown in the figures) for transmitting the digital information signal (@TS2) to the receiver circuitry of Figure 6 [i.e. the signal must be transmitted to the receiver side]; and

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4) Video processing means (@ 51) for processing the “second video signal” to a processed second video signal (@ Va) representing a sequence of video images of reduced image size, wherein said processed second video signal is combined by the combining means.

C) Differences:

Claim 8 differs from the showing of Rosengren et al only in that Rosengren et al does not described at least one of the “other elementary streams” (e.g., @ E1, E2, E3) as representing a full-sized, full-resolution “first video signal”.

D) Obviousness:

The examiner takes Official Notice that it was notoriously well known in the art for the “elementary streams” (ES) of an MPEG transport stream (TS) to have comprises streams pertaining to a plurality of full-sized, full-resolution video signals (i.e., to a plurality of video programs).

Given such a conventional state-of-the-art, the examiner maintains that it would have been obvious to one of ordinary skill in the art for at least one of the “other elementary streams” (e.g., @ E1, E2, E3 in Figure 5 of Rosengren et al) to have represented a full-sized, full-resolution video signal (i.e., another video program); i.e., given that it was known and desirable to have provided TV receivers with the ability to select a desired one of a plurality of transmitted video programs for display.

With respect to applicant's arguments filed 9/26/20082008 (to the extent that they apply to the instant rejection):

See paragraph 8 of this Office action.

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20. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the showing of US Patent #6,741,617 to Rosengren et al. for the same reasons explained above with respect to claim 8. Additionally:

A) Claim 9 further differs from the showing of Rosengren et al. only in that claim 9 requires the transmission medium connecting the transmitter side of the system to the receiver side of the system to be a recordable record carrier.

B) As is evidenced by the showings of Figures 8A and 8B in Rosengren et al., Rosengren et al. itself evidences the obviousness of having utilized a recordable record carrier (e.g., @ 81) as the transmission medium that coupled the receiver side of the system to the transmitter side. Indeed, the examiner takes Official Notice that it was notoriously well known the video signal transmission art that broadcast and recording type carriers were well known ways of transporting video signals from the transmitting side of the system to the receiving side.

C) The examiner maintained that it would have been obvious to one of ordinary skill in the art to have "modified" the "second embodiment" of the receiver illustrated in figure 6 of Rosengren et al. to receive the MPEG2 transport stream from the transmitter side via a recordable record carrier as claimed. The benefits provided to the receiver side circuitry, i.e., reduced complexity, are advantageously imparted to the receiver side circuitry, and regardless of the form of transmission medium used.

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21. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the showing of US Patent Document #2002/0047915 to Rosengren et al. for the same reasons explained above with respect to claim 8. Additionally:

A) Claim 9 further differs from the showing of Rosengren et al. only in that claim 9 requires the transmission medium connecting the transmitter side of the system to the receiver side of the system to be a recordable record carrier.

B) As is evidenced by the showings of Figures 8A and 8B in Rosengren et al., Rosengren et al. itself evidences the obviousness of having utilized a recordable record carrier (e.g., @ 81) as the transmission medium that coupled the receiver side of the system to the transmitter side. Indeed, the examiner takes Official Notice that it was notoriously well known the video signal transmission art that broadcast and recording type carriers were well known ways of transporting video signals from the transmitting side of the system to the receiving side.

C) The examiner maintained that it would have been obvious to one of ordinary skill in the art to have “modified” the “second embodiment” of the receiver illustrated in figure 6 of Rosengren et al. to receive the MPEG2 transport stream from the transmitter side via a recordable record carrier as claimed. The benefits provided to the receiver side circuitry, i.e., reduced complexity, are advantageously imparted to the receiver side circuitry, and regardless of the form of transmission medium used.

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22. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. HARVEY whose telephone number is (571) 272-7345. The examiner can normally be reached on M-F from 6:00AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Marsha D. Banks-Harold, can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DAVID E HARVEY/

Primary Examiner, Art Unit 2621

DAVID E HARVEY
Primary Examiner
Art Unit 2621